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TO RUEHC/SECSTATE WASHDC PRIORITY 9570
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 7803
RUEHCV/AMEMBASSY CARACAS PRIORITY 9433
RUEHLP/AMEMBASSY LA PAZ OCT 8978
RUEHPE/AMEMBASSY LIMA PRIORITY 5526
RUEHZP/AMEMBASSY PANAMA PRIORITY 0732
RUEHQT/AMEMBASSY QUITO PRIORITY 6164
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4121
RUEAWJC/DEPT OF JUSTICE WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

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E.O. 12958: N/A

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SUBJECT: MAGDALENA GOVERNOR CONVICTED FOR PARAMILITARY TIES

REF: BOGOTA 7240

11. Trino Luna Correa, Liberal party member and former governor of Magdalena, plead guilty to aggravated conspiracy (concierto para delinquir agravado) to commit crime due to his paramilitary ties on October 14. Luna, who ran uncontested in 2003, was detained in March for ties to para leaders Rodrigo Tovar Pupo ("Jorge 40") and Hernan Giraldo. A Bogota judge sentenced Luna to 44 months in jail and fined him \$250,000. The sentencing range for "aggravated conspiracy" is 72-144 months, but the judge--in accordance with Colombian sentencing guidelines--reduced Luna's sentence due to: 1) his lack of a prior criminal record; 2) his crimes were not considered "aggravated circumstances" that caused excessive injury; 3) he voluntarily turned himself in to authorities; and 4) he plead guilty. His time already served in prison will count towards the sentence. The sentence does not refer to his future eligibility to run for political office, but the Colombian Constitution bans individuals who serve prison time from holding office except in instances involving "political crimes."

12. The Prosecutor General's Office (Fiscalia) confirmed it will not appeal the sentence and expressed satisfaction with the judge's decision. Luna had resigned his post as governor to shift jurisdiction from the Supreme Court to the Fiscalia. While permissible under Colombian law, Trina hoped he would receive more lenient treatment from local prosecutors and judges. To insulate the case from political pressure, the Fiscalia asked for the case to be transferred to a specialized circuit judge in Bogota. Former Congressman Alfonso Campo, also from Magdalena, has also plead guilty to aggravated conspiracy charges and is awaiting sentencing.

13. The Supreme Court is currently investigating 37 of Colombia's 268 legislators for links with former paramilitaries. Fourteen legislators are in jail, one a fugitive and twenty-two under formal investigation. Per reftel, jailed politicians are pushing for a new law that would reduce or eliminate jail time for para politicians and allow them to continue in politics. President Uribe has voiced interest in a bill that would make para-politicians sentences proportional to those received by paramilitary leaders, but has also insisted that any such law require para-politicans to serve jail time, tell the truth about their crimes, and be banned for life from politics.
Brownfield